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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,997	03/13/2001	William Henry Mengel	RCA-89130	1650

7590 09/09/2005

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EXAMINER	
NATNAEL, PAULOS M	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

"SUPPLEMENTAL" **Advisory Action Before the Filing of an Appeal Brief**	**Application No.** 09/743,997	**Applicant(s)** MENGEL, WILLIAM HENRY	
	Examiner Paulos M. Natnael	**Art Unit** 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
 a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

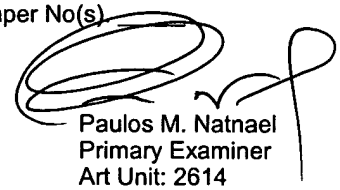
 NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: *1-3 and 5-9*.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.



Paulos M. Natnael
Primary Examiner
Art Unit: 2614

(For complete reference, see Final Rejection)

Generally, regarding claim 1:
Sparks discloses the display device 300 which receives the A/V+OSD signal 103, Fig.2, which is an analog signal comprising audio/video and OSD data. col. 8, lines 3-6 (see also col. 4, lines 62-65) Sparks also discloses the display 300 and the selector 310 which is controlled by CRTL. Furthermore, Sparks teaches that "a signal selector 310, couples as is known, to video and synchronizing processing circuitry, not shown, which in combination generate an image display," (col. 8, lines 8-16) which inherently extracts the OSD data from the Audio/video signal, and transfers it to the display. Finally, Sparks' display 300 processes and displays the signals as well as the non-video OSD data on display 300 as shown on Fig.2;

Knox et al. discloses a Display 190, Fig.1, (notice the video decoder 160 and the OSD Unit 150) which would have to detect the signal including the OSD data. As such, the display would not be able to display the OSD without first detecting it as shown in Fig.3 which illustrates a displayed frame (background) and the OSD1 352 and OSD2 354 signals. Display 190 processes and displays the OSD data.

Regarding the newly added limitation (from canceled claim 4), as was shown in the Final Rejection, although Knox doesn't specifically disclose such, the non-video data is information usually included in a blanking interval of an analog video signal. The Examiner will again take Official Notice in that it is notoriously well known in the art that a non-video data or information would be included in the vertical blanking interval of the video signal, for example, and therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Knox by including or providing the non-video data in the blanking interval of the analog video signal in order for the receiver to reliably extract the non-video data from the VBI and display or transmit the same to other devices within the system, so that the active video portion would be used for the main video signal.

The Sparks system discloses the display 300 and receives A/V+OSD 103. On col. 6, lines 442-45, Sparks teaches that an OSD message command may be generated responsive to controller 205" which has been added to the A/V data is carried to the display in the A/V+OSD signal 103. One with ordinary skill in the art would readily recognize that the received OSD data has to be extracted to be of any use. What is the use of an OSD data if it isn't extracted and/or displayed for the user to see or manipulate? This OSD data clearly is a control information formatted as an OSD data and the said control information may be extracted and displayed for the user/viewer/operator to manipulate or otherwise for the system to process further. Knox et al disclose a system 100 which receives digital bit streams 110 and 120 and OSD unit 150 which can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the active video area. (col. 4, lines 64-66) That it clearly shows that the OSD bitstream is received in the processor 130 as non-video data designated as OSD data. The mixer mixes the OSD data with the video data and the D/A converter converts the signal into analog signal and outputs it to the display. Detection and extraction of the OSD data is inherently the function of the display 190.

As to claim 9, Ogino discloses a video signal output device such as information signal duplication prevention comprising detection sections 15 and 16 (Fig.2) which receive a digital video input and provide S5 and S6 signals to output control signal generation section 17 which receives the S5 and S6 signals and generates an S7 signal. The notice message generation section 18 (Fig.8) uses so-called OSD (on screen display), and generates a notice message of 1 screen and outputs it. (col. 13, lines 38-46) Ogino also discloses/provides an output control section 14 which is used to combine or synthesize the S4 analog signal and S7 signal output from the generator 17. Ogino discloses that the notice message generation section 18 generates and outputs a display message for noticing a user that the video signal recorded in the disk 100 is an illegally duplicated video signal correspondingly to the control signal S8 supplied from the output control signal generation section 17. As to the newly added limitation, see the argument presented above in regards of canceled claim 4.